

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

MIHAEL HAINES,
Plaintiff

v.

ROBERT HOFMANN,
JESSIE COOK and
J. R. DAVIS,
Defendants

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File No. 1:07-CV-138

ORDER

The Magistrate Judge's Report and Recommendation was filed May 16, 2008 (Paper 11). After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). Defendant Robert Hofmann's motion to dismiss (Paper 8) is GRANTED. The plaintiff shall be allowed 30 days from the date of this Order to file a motion to amend his claims against Hofmann. Failure to file a motion will result in the dismissal with prejudice of all claims against Hofmann.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 13th day of June, 2008.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge